

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

DAVID W. SVETE,

Plaintiff,

v.

**CERTAIN FCI TERMINAL ISLAND
FEDERAL PRISON EMPLOYEES,
et al.,**

Defendants.

Case No. CV 16-1928 MWF (AJW)

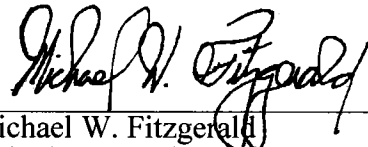
**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Plaintiff, a federal prisoner proceeding pro se, paid the filing fee and filed a civil rights complaint on March 21, 2016. On July 5, 2016, an order was issued noting that plaintiff had not requested issuance of a summons and had not served any defendant with the summons and complaint. On the Court's own motion, the Clerk was directed to issue a summons and mail it to plaintiff at his address of record. In addition, the Court granted plaintiff an extension of time, to and including September 30, 2016, in which to accomplish service of the summons and complaint. Finally, the Court cautioned plaintiff that failure to timely serve the summons and complaint might result in the dismissal of the action as to any unserved defendant. As of the date of this order, however, plaintiff has neither filed proof of service of the summons and complaint on any defendant nor shown good cause for his failure to do so. Plaintiff also has taken no other steps to prosecute this action.

1 Plaintiff failed to comply with Fed. R. Civ. P. 4(m) and ignored the court's warning that his case may
2 be dismissed if he did not serve the summons and complaint within the extended deadline. Four of the five
3 factors for assessing the appropriateness of dismissal for failure to prosecute or to comply with rules or
4 orders weigh in favor of dismissal. See In re Phenylpropanolamine (PPA) Prod. Liab. Litig., 460 F.3d 1217,
5 1226-1229 (9th Cir. 2006); see generally Fed. R. Civ. P. 41(b). Therefore, this action is dismissed without
6 prejudice for failure to comply with Rule 4(m) and for failure to prosecute.

7 IT IS SO ORDERED.

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9 Dated: Nov. 14, 2016

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12 Michael W. Fitzgerald
13 United States District Judge
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